

RULES AND PUBLIC POLICY COMMITTEE

DATE: April 13, 2010

CALLED TO ORDER: 5:32 p.m.

ADJOURNED: 5:52 p.m.

ATTENDANCE

ATTENDING MEMBERS

Robert Lutz, Chairman
Bob Cockrum
Monroe Gray
Angela Mansfield
Mike McQuillen
Angel Rivera
Ryan Vaughn

ABSENT MEMBERS

Joanne Sanders

AGENDA

FISCAL IMPACT STATEMENT – Collective Bargaining Agreement for Indianapolis Metropolitan Police Department officers; Valerie Washington, Department of Public Safety

“Accepted”

Vote: 7-0

PROPOSAL NO. 79, 2010 - supports an open and transparent discussion concerning the proposal to sell or to otherwise dispose of water-related resources, water facilities, assets and properties of Indianapolis Water, and that any such disposition or decision to retain such assets be a matter reserved to the City-County Council

“Tabled”

Vote: 4-3

RULES AND PUBLIC POLICY COMMITTEE

The Rules and Public Policy Committee of the City-County Council met on Tuesday, April 13, 2010. Chairman Robert Lutz called the meeting to order at 5:32 p.m. with the following members present: Bob Cockrum, Monroe Gray, Angela Mansfield, Mike McQuillen, Angel Rivera, and Ryan Vaughn. Joanne Sanders was absent. General Counsel Robert Elrod represented Council staff.

Chairman Lutz asked all Committee members to introduce themselves and indicate which area of the County they represent.

FISCAL IMPACT STATEMENT – Collective Bargaining Agreement for Indianapolis Metropolitan Police Department officers; Valerie Washington, Department of Public Safety

Valerie Washington, Chief Financial Officer, Department of Public Safety, introduced Chief John Conley, Indianapolis Metropolitan Police Department (IMPD). Chairman Lutz stated that the digest on the agenda notice indicates that this agreement is for police officers, but asked if that is incorrect. Ms. Washington said that it is for certain civilian public safety officers, and is not for sworn police officers. Chairman Lutz asked about how many individuals this includes. Ms. Washington said that there are approximately 11 public safety officers. Chairman Lutz asked if it is an entire contract or is just a temporary agreement. Ms. Washington said that this is a one-year agreement. The prior contract expired in 2006, and attempts were made to negotiate a new contract. They failed to come to an agreement everyone was comfortable with, so they agreed to just address salaries and longevity with a one-year agreement until a new contract could be negotiated. Ms. Washington said that this agreement will cover through the end of the year and comes with the understanding that they will be negotiating a new contract this spring. She said that Mayor Gregory Ballard is trying to get all union agreements on the same schedule, and this contract will be negotiated at the same time that the other union contracts are re-negotiated. Chairman Lutz asked if this agreement has been discussed with the City Controller and with James Steele, Chief Financial Officer for the Council. Ms. Washington said that the Office of Finance and Management (OFM) has been involved throughout the whole process, and Mr. Steele is comfortable with the fiscal impact statement.

Ms. Washington provided copies of the fiscal impact statement (attached to these minutes). She said that this agreement gives all public safety officers a 5% increase. Currently, they are all at different salary levels ranging from \$24,000 to \$30,000. In addition to the 5% increase, they would receive additional increases based on longevity, and then a \$500 non-contractual work period supplement. She said that this

supplement is not considered a bonus, but the employees wanted the increase to be retroactive to 2007. The Department of Public Safety's (DPS) budget could not have sustained that cost, and therefore, this \$500 supplement was a compromise placeholder.

Councillor Gray asked what public safety officers do. Chief Conley said that looking back almost 20 years ago, they looked at different duties performed by the sworn officers and came to the conclusion that there were some duties that could be civilianized, so that sworn officers were freed up for more true public safety duties within their beats. He said that the public safety officer (PSO) position was developed to handle duties such as prisoner transportation, accident reports, and evidence technician work, in order to free up time for sworn officers to focus more on the streets. He said that this saved money and time, because as these PSOs were doing these functions repeatedly, they became more proficient, and accident reports and technician work was happening more quickly, which saved both money and manpower. When the police department merged with the Marion County Sheriff's Department (MCSD), they lost one of those job functions, with the prisoner transportation becoming a function of MCSD. Today, the PSOs spend their time on evidence technician work and accident reports. Councillor Gray asked if PSOs have police power. Chief Conley said that originally they discussed giving them some limited powers regarding writing violations and citations, but they do not have any typical police powers. Councillor Gray asked if they have take-home cars. Chief Conley responded in the negative. Councillor Gray said that a 5% increase seems high for city employees. He asked if giving this type of an increase will cause a problem when negotiating increases in the contract for sworn officers. Chief Conley said that 5% might be high for someone making \$50,000 a year, but right now they have some PSOs making \$20,000 working out in the field in sometimes hazardous conditions at crime scenes, where specific training is required; yet there are beginning administrative civilian jobs starting at \$30,000. He said that he believes the sworn officers would applaud this increase, because the PSOs are thought of very highly by sworn officers and are worth their weight in gold. He added that they actually need more PSOs on the street than they currently have.

Councillor Vaughn asked why these 11 employees cannot be looped into larger IMPD negotiations, and why they are being considered independently. Ms. Washington said that this is just a quick fix, as these officers have been without an agreement since 2006. She said that they wanted to address them and show the value of their service until negotiations got underway. Councillor Vaughn said that he understands handling it this way at this time, but said that going forward, it would seem a waste of resources to handle these positions separately. Samantha Karn, Office of Corporation Counsel, said that Councillor Vaughn's comments are a point well taken, and they are looking at adding these positions to a larger group of similar civilian employees during the negotiation process. She said that they would be a little different from sworn officers, because there is a difference in representation by the Fraternal Order of Police (FOP) within IMPD.

Chairman Lutz asked General Counsel Elrod if he has any concerns or comments regarding this contract or impact statement. Mr. Elrod responded in the negative.

Councillor Vaughn moved, seconded by Councillor McQuillen, to recommend passage of this fiscal impact statement to the full Council.

Councillor Rivera asked for clarification as to whether the matter actually gets recommended to the full Council or not. He said that it was his understanding that once this committee approves the matter, it is approved. Mr. Elrod said that this is correct, and this committee simply reviews the fiscal impact of the contract and recommends either finalizing the agreement or suggests changes to the Mayor. Chairman Lutz stated that the actual correct language is stated in the committee report included in the packets for this evening's meeting, and the correct motion would be that this committee "determines that the fiscal impact of the tentative agreement is acceptable and recommends finalizing the collective bargaining agreement as stated in the fiscal impact study."

Councillor Vaughn amended his motion as stated by the chairman, which was again seconded by Councillor McQuillen.

Councillor Cockrum asked if the fiscal impact of \$35,052 is over the current budget. Ms. Washington said that they actually built this amount into the budget, but this just shows the fiscal impact of the contract. Councillor Cockrum asked if the Council will need to approve an additional increase of \$35,052. Ms. Washington responded in the negative and said that the dollars were anticipated in the current budget.

Councillor Vaughn's motion to "Accept" the fiscal impact statement carried by a vote of 7-0.

PROPOSAL NO. 79, 2010 - supports an open and transparent discussion concerning the proposal to sell or to otherwise dispose of water-related resources, water facilities, assets and properties of Indianapolis Water, and that any such disposition or decision to retain such assets be a matter reserved to the City-County Council

Councillor Mansfield said that the sponsor of this proposal, Councillor Sanders, is unable to be here again this evening due to work conflicts, and she moved to "Postpone" Proposal No. 79, 2010 until May 3, 2010.

Councillor Vaughn said that he appreciates that Councillor Sanders' work schedule did not allow her to be here for two consecutive meetings to present her proposal, but he is confident that at the next meeting, the committee will actually be entertaining the proposed deal regarding the water company. He added that they have also scheduled a subsequent additional meeting for more input and detail, and it would seem that waiting another 30 days to consider Proposal No. 79, 2010 would be a moot point. He moved, seconded by Councillor McQuillen, to "Table" Proposal No. 79, 2010.

Councillor Mansfield said that having the proposed deal in front of the committee does not necessarily mean the same concerns expressed in Councillor Sanders' resolution will be addressed. She stated that her motion to "Postpone" was offered first and she believes it takes precedence. Chairman Lutz asked Mr. Elrod for a ruling on which motion takes precedence. Mr. Elrod said that he does not have Roberts Rules of Order with him this evening, but he believes a motion to "Table" takes precedence over a motion to "Postpone."

Councillor Vaughn said that he is not trying to cause any problem with his motion, but he feels that after the administration has made a lengthy presentation at the next meeting, they will then entertain any questions and concerns. Councillor Sanders could then ask anything she wishes as a member of this committee and have her concerns and issues addressed at that time. He said that an additional discussion on a non-binding resolution at that point would seem ridiculous.

The motion to "Table" Proposal No. 79, 2010 carried by a vote of 4-3, with Councillors Gray, Lutz and Mansfield casting the negative votes.

Councillor Gray said that he does not understand why it could not have been postponed to the next meeting. He said that they recently took time to hear such a resolution offered by Councillor Ed Coleman, and he does not understand why they cannot afford Councillor Sanders the same courtesy.

Chairman Lutz said that a proposal that is tabled can come off the table at any time, and as chairman, he has the prerogative to add it to the agenda. He added that if at the next meeting a committee member wanted to move to take Proposal No. 79, 2010 off the table and open it up for discussion, he would support it, because he promised Councillor Sanders that he would support a postponement of her proposal to the next meeting. He said that is why he voted against the motion to "Table" the proposal. He added, however, that he sees Councillor Vaughn's point that it does not make sense to have testimony presented twice on the same issue.

Councillor Mansfield said that it is unfortunate that this committee is not willing to listen to a Councillor's proposal. She said that they traditionally first listen to the presentation before tabling an issue, and this tabling goes against the idea of a transparent and open discussion.

Chairman Lutz said that they have actually tabled many things over the years that others wanted to spend more time discussing, and this is not necessarily something different or new. He said that there are some issues raised in the proposal, and he does believe it is important that they be heard, whether through a hearing of Proposal No. 79, 2010 or another forthcoming proposal, but it does seem a waste of time to consider the same issues twice.

Councillor Vaughn said that he is not trying to quash open and transparent government, but it is ridiculous to present such a resolution to the body and then not appear at committee for 60 days to present such. He said they are now at a point where they will be entertaining the proposed water company deal itself, and therefore, he believes they are past the point of having the discussion about the process, as offered by Councillor Sanders in her non-binding resolution, when the actual deal will be in front of the committee at that time for discussion and approval.

There being no further business, and upon motion duly made, the meeting was adjourned at 5:52 p.m.

Respectfully Submitted,

Robert Lutz, Chairman

RL/ag

COMMITTEE ON RULES AND PUBLIC POLICY

COMMITTEE REPORT

on

FISCAL IMPACT STUDY

of

COLLECTIVE BARGAINING AGREEMENT

between the

**CITY OF INDIANAPOLIS and INDIANA FRATERNAL ORDER OF POLICE LABOR COUNCIL
INC. on behalf of certain PUBLIC SAFETY OFFICERS for the City Of Indianapolis INDIANAPOLIS
METROPOLITAN POLICE DEPARTMENT**

THE TENTATIVE AGREEMENT: On _____, 20_____, the City of Indianapolis and the Indiana Fraternal Order of Police Labor Council, Inc. approved a tentative collective bargaining agreement on behalf of certain public safety officers for the Indianapolis Metropolitan Police Department, a copy of which has been provided to the committee.

THE FISCAL IMPACT STUDY: The Controller prepared a Fiscal Impact Study as required by Sec. 291-610 of the Revised Code of the Consolidated City and County. A copy of that study dated, March 12, 2010, is attached as Exhibit A to this report.

THE PUBLIC HEARING: The Committee on Rules and Public Policy held a public hearing on the Fiscal Impact Study on Tuesday, April 13, 2010, as required by said Sec. 291-610.

THE COMMITTEE REPORT: After public hearing and consideration of the Fiscal Impact Study, the Committee accepts the Fiscal Impact Study as presented by the controller as accurate, and:

 X determines the fiscal impact of the tentative agreement is acceptable and recommends finalizing the collective bargaining agreement as stated in the Fiscal Impact Study;

[OR]

 determines the fiscal impact of the tentative agreement is unacceptable and recommends that the tentative agreement not be finalized unless modified in the following respects:

[insert committee reservations about the tentative agreement]

ACTION: The adoption of this report was moved by Councillor Vaughn, seconded by Councillor McQuillen. The motion was passed by a vote of 7 ayes and 0 nays on the 13th day of April, 2010.

s/Robert Lutz
Chairperson

**FISCAL IMPACT STATEMENT
OF THE COLLECTIVE BARGAINING AGREEMENT**

Between the City of Indianapolis
&

Indiana F.O.P. Labor Council, Inc.

.On Behalf of the Public Safety Officers for the City of Indianapolis – Indianapolis Metropolitan Police
Department

Prepared by the Office of Finance and Management - March 12, 2010

SUMMARY OF AGREEMENT'S FISCAL IMPACT

COVERAGE OF THE NEW AGREEMENT: The Agreement covers all Public Safety Officers employed by the Department of Public Safety, Indianapolis Metropolitan Police Department.

TERM OF PRIOR AGREEMENT: PSO's prior Agreement expired on December 31, 2006. PSOs have worked without an Agreement since the Prior Agreement's expiration

TERM OF NEW AGREEMENT: January 1, 2010 through December 31, 2010.

ESTIMATED FISCAL IMPACT OF AGREEMENT:

Agreement's Impact on 2010 Adopted Budget	
5% salary increase	\$ 15,289
Longevity	\$ 6,013
Clothing Allowance	\$ 8,250
Non-contractual Work Period Supplement	\$ 5,500
TOTAL	\$ 35,052

KEY TERMS OF THE AGREEMENT:

WAGES – All 11 Public Safety Officers covered by this agreement will receive a 5% salary increase, with the increase retroactive to January 1, 2010.

LONGEVITY INCREASES –longevity pay increases, payable upon final approval of this contract, are as follows:

- (a) Member who has completed 5-9 years of continuous employment – 1% of base pay
- (b) Member who has completed 10-14 years of continuous employment – 2% of base pay
- (c) Member who has completed 15-20 years of continuous employment – 3% of base pay
- (d) Member who has completed 21+ years of continuous employment – 4% of base pay

CLOTHING ALLOWANCE –Members shall receive a clothing allowance of Seven hundred Fifty dollars (\$750) dollars due before July 1 of each year.

NON-CONTRACTUAL WORK PERIOD SUPPLEMENT – Upon final approval of this contract, each Member will receive a one-time, lump sum payment of \$500.